

JANE SWIFT
Governor

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Central Regional Office, 627 Main Street, Worcester, MA 01608

SDMS DocID

556411

Superfund Records Center

SITE: Covitch Property

BREAK: 1.5

OTHER: 556411

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

APR 29 2002

The Shop at Whitinsville
One Main Street
Whitinsville, MA 01588

Re: CRWSC - Northbridge
Shop Portion of Covitch Property
One Main Street

Attention: Leonard Jolles
Property Manager

RTN 2-00112
NON-CE-02-3017

NOTICE OF NONCOMPLIANCE
M.G.L. c. 21E, 310 CMR 40.0000

**FAILURE TO MEET RESPONSE ACTION OUTCOME PERFORMANCE
STANDARDS
FAILURE TO SUBMIT REQUIRED INFORMATION IN A RESPONSE ACTION
OUTCOME STATEMENT**

Dear Mr. Jolles:

A review of records conducted by Department of Environmental Protection ("Department") personnel demonstrates that the above-referenced site is not in compliance with one or more laws, regulations, orders, licenses, permits, or approvals enforced by the Department. Be advised that the regulations that generally set forth the requirements for Response Action Outcome Statements are codified at Subpart J, of the Massachusetts Contingency Plan, 310 CMR 40.0000.

The Department has included with and specifically incorporated into this writing a NOTICE OF NONCOMPLIANCE SUMMARY, which includes:

- (1) the requirements applicable to the response actions undertaken at 1 Main Street, Northbridge, Massachusetts ("the Site");

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

<http://www.mass.gov/dep> • Phone (508) 792-7650 • Fax (508) 792-7621 • TDD # (508) 767-2788

Printed on Recycled Paper

Covitch Property, 1 Main Street, Northbridge, RTN 2-00112

- (2) the elements and occurrence(s) of the noncompliance necessitating the issuance of this Notice; and
- (3) the deadline(s) within which a return to compliance must be achieved, either by:
 - (i) coming into compliance with the applicable requirements, or
 - (ii) the submission of a written proposal to the Department setting forth how and when coming into compliance with the requirements will be achieved.

An administrative penalty may be assessed for every day from now on that you remain out of compliance with the requirements described in this Notice of Noncompliance. Notwithstanding this Notice of Noncompliance, the Department reserves the right to exercise the full extent of its legal authority in order to obtain full compliance with all applicable legal requirements, including but not limited to the assessment of civil administrative penalties, the commencement of a civil action in the court(s) of competent jurisdiction, or the commencement of a criminal prosecution in the court(s) of competent jurisdiction.

Please contact Mr. James Moody of the Central Regional Office at (508) 792-7650 x3703 if you have any questions or comments, or there is any ambiguity or confusion concerning this Notice. In responding to this Notice of Noncompliance, please reference the NON number found on the first page of this document to ensure proper acknowledgment of your response.

Sincerely,



Edmond G. Benoit
Deputy Regional Director
Bureau of Waste Site Cleanup

Date: APR 29 2002

enclosure: NON Summary
EGB\MKG\MEB\GLR

cc: Town of Northbridge, Board of Selectmen
Town of Northbridge, Board of Health
Caron Koll, LSP-of-Record LSP #6889
Gail Helfrick, Quantum Management Group, Inc., 2365A State Highway 33
Robbinsville, New Jersey 08691
Dan Keefe, DEP-Boston, MSCA
Alan Kania, DEP-Boston, MSCA
Nancy Smith, U.S. Environmental Protection Agency, 1 Congress Street,
Suite 1100 (HBS), Boston, MA 02114
Thomas M. Potter, Audit Coordinator, DEP-Boston
James Moody, DEP-CERO
Office of Enforcement, DEP-Boston
Data Entry: [AUDCO/NON]

NOTICE OF NONCOMPLIANCE SUMMARY
NON-CE-02-3017

ENTITY IN NONCOMPLIANCE

The Shop at Whitinsville

LOCATION WHERE NONCOMPLIANCE OCCURRED OR WAS OBSERVED

1 Main Street, Northbridge, Mass.

DATE (S) WHEN NONCOMPLIANCE OCCURRED OR WAS OBSERVED

October 31, 1997

**I. FAILURE TO SUBMIT REQUIRED INFORMATION IN A RESPONSE ACTION
OUTCOME STATEMENT, 310 CMR 40.1056(1)(d)**

DESCRIPTION OF ACTIVITY NONCOMPLIANCE

On October 31, 1997, the Department received two RAO transmittal forms for two distinct oil release areas on the subject facility, one with a Class A-3 RAO and the other with a Class B-1 RAO. The Massachusetts Contingency Plan allows for partial RAOs, however, because two RAOs were filed for one site number, one of the RAOs must be designated as a partial RAO. The areas covered by each RAO were not specifically defined.

DESCRIPTION OF REQUIREMENT(S) NOT COMPLIED WITH

40.1056: Content of Response Action Outcome Statements

(1)(d) the relationship of the Response Action Outcome Statement to any other Response Action Outcome Statements that have been filed for the disposal site, if applicable, together with a statement as to whether any additional response actions are needed for any other portions of the disposal site;

(2)(a) as specified in 310 CMR 40.1003(4), a clear and accurate description of the location of the site or the location and boundaries of the disposal site or portion of disposal site to which the RAO applies. Such description shall reference, to the extent practicable, the location of the site, and location and boundaries of the disposal site or portion thereof relative to permanent or semi-permanent landmarks, and/or surveyed boundaries;

Failure to submit required information in a Response Action Outcome Statement is a Class III violation.

II. FAILURE TO MEET RESPONSE ACTION OUTCOME PERFORMANCE STANDARDS, 310 CMR 40.1004

DESCRIPTION OF ACTIVITY OR OMISSION IN NONCOMPLIANCE

The Response Action Outcome Statement (RAO) and supporting Method 1 and 2 risk characterization were inadequate to meet RAO performance standards per 310 CMR 40.1004 in the following ways:

1. Information in the Department's files indicate that historical manufacturing practices at the site included discharge of electroplating wastes to the Mumford River. Also, an oily sheen was discovered in the raceway in the 1980s. Potential contamination of sediments and surface water were not investigated as part of the Phase I or supplemental Phase I work per 310 CMR 40.0483(1)(e).
2. Exposure point concentrations were calculated in recovery well RW-1 only, not for all groundwater monitoring wells, per 310 CMR 40.0973(3)(a).
3. There was insufficient characterization to support that the 1,000 mg/kg chromium in the coal ash disposal area is due to coal ash disposal and not related to disposal of MCP-regulated OHM. The 1997 Phase I report recommends additional sampling of the coal ash to "assure sampling data is representative of the disposal area." No additional sampling was reported in the supplemental Phase I.
4. The extent of the release was not indicated per 310 CMR 40.0904(2). Soil boring SB-97-06 contained photoionization detector levels in excess of 2500 parts per million total organic vapors, GP-6 contained 13,000 mg/kg total petroleum hydrocarbons, suggesting that these downgradient locations are not representative of the full extent of subsurface soil contamination.
5. Feasibility evaluation for achieving background concentrations, 310 CMR 40.0860(3).

Failure to meet RAO Performance Standards is a Class II violation.

DESCRIPTION OF REQUIREMENT (S) NOT COMPLIED WITH

40.1004: Performance Standards for Response Action Outcomes

- (1) A Response Action Outcome shall be supported by assessments and evaluations conducted pursuant to 310 CMR 40.0000 which:
 - (a) are of sufficient scope, detail, and level of effort to characterize the risk of harm to health, safety, public welfare and the environment posed by the site or disposal site pursuant to 310 CMR 40.0900;

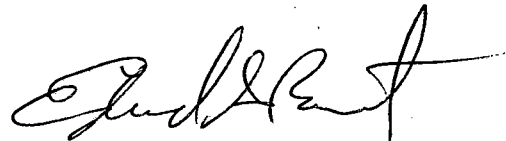
- (b) are consistent with the Response Action Performance Standard described in 310 CMR 40.0191;
- (c) are commensurate with the nature and extent of the release or threat of release and complexity of site conditions;
- (d) demonstrate that all requirements of the applicable class of Response Action Outcome pursuant to 310 CMR 40.1000 have been met; and
- (e) conform with applicable requirements and procedures for conducting response actions specified in 310 CMR 40.0000.

DESCRIPTION OF DEADLINES OF ACTIONS TO BE TAKEN

To address Violation I, retract one of the RAOs, (using a general correspondence letter) and re-submit as a partial RAO, if appropriate, with a description or site plan clearly and accurately identifying the RAO locations. Please complete the RAO retraction by **June 1, 2002**.

An Audit Follow-up Plan and Tier II extension should be submitted to the Department by **June 1, 2002**. The Audit Follow-up Plan should include a Phase II Scope of Work to address Violation II. The plan should provide a proposed schedule for additional comprehensive response action submittals (Phase II – Comprehensive Site Assessment, Phase III Remedial Action Plan, Phase IV Remedy Implementation Plan, and/or Response Action Outcome). Notify municipal officials and the Department of response actions in accordance with the MCP's public involvement and tier classification requirements.

Sincerely,



Edmond G. Benoit
Deputy Regional Director
Bureau of Waste Site Cleanup

Date APR 29 2002